

pellets on the work floor and mouse excreta pellets on the wheat stored on the work floor; rodents living in an old unused collecting bin in the boot pit, with rodent-gnawed holes, rodent burrows, and rat excreta pellets on the bottom of the pit and the ledges, as well as a dead mouse on the floor of the boot pit and a strong odor of decomposition; mouse excreta pellets and mouse tracks on the surface of the wheat in all the bins in the headhouse, as well as live weevils in the wheat and heavily tracked ledges and rodent-gnawed holes in the headhouse; rat and mouse pellets and dead mice in the feed warehouse from which rodents come and go to the elevator where wheat for human consumption was stored; mouse burrows around the drive; a pump house and a pile of railroad car doors on the premises which served as rat harborages; rodent holes, rodent tracks on the wheat, mouse excreta pellets around the pillars supporting the roof, near the bottom of the valleys of wheat, and along the walls, as well as live mites on the wheat, in the flat storage building.

DISPOSITION: On 12-24-58, the defendant having consented, the court entered a temporary injunction enjoining the defendant against causing wheat for human consumption, or any similar article of food, to be introduced and delivered for introduction into interstate commerce, unless and until:

(a) the elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption and all rodent and insect filth were removed from the elevator and all equipment used in storing such wheat was cleaned; all rodent and insect infestation in the elevator and storage warehouse was eliminated and their means of ingress and egress to the elevator and storage warehouse were closed; all dead animals were removed; and any similar insanitary conditions which may result in the contamination of such wheat while held in the elevator and storage warehouse were eliminated;

(b) all of the wheat for human consumption on hand in the elevator at the time the elevator was cleaned, renovated and rendered suitable for the storage of wheat for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration; and

(c) an inspection was made of the grain elevator and storage warehouse by the Food and Drug Administration, and a report made to the court that the above-mentioned insanitary conditions no longer existed and that the wheat for human consumption had been destroyed, denatured, or brought into compliance with the law.

On 4-28-59, the court entered an order modifying the injunction to permit the defendant to ship wheat in interstate commerce from the elevator in view of the fact that the defendant had removed the insanitary conditions existing there at the time of the entering of the temporary injunction.

On 3-23-60, on motion of the Government, the injunction was dismissed with prejudice for the reason that the grain on hand and the premises were in good condition.

26664. Wheat. (F.D.C. No. 44696. S. No. 44-482 R.)

QUANTITY: 111,000 lbs. at Tacoma, Wash.

SHIPPED: 6-6-60, from Bellevue, Idaho, by Wood River Feed & Seed Co., Inc.

LIBELED: 6-28-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60. Consent—claimed by Wood River Feed & Seed Co., Inc., and denatured for use as animal feed.

26665. Wheat. (F.D.C. No. 44530. S. No. 28-799 R.)

QUANTITY: 48,600 lbs. at Red Wing, Minn.

SHIPPED: 6-30-60, from Sisseton, S. Dak., by Benson-Quinn Co.

LIBELED: 7-18-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-20-60. Consent—claimed by Benson-Quinn Co. Segregated; 2,190 lbs. destroyed, and 4,130 lbs. disposed of as animal feed.

26666. Wheat. (F.D.C. No. 44529. S. No. 27-927 R.)

QUANTITY: 33,000 lbs. at St. Paul, Minn.

SHIPPED: 7-11-60, from Mandan, N. Dak., by Mandan Farmers Cooperative Elevator Co.

LIBELED: 7-14-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-18-60. Consent—claimed by Mandan Farmers Cooperative Elevator Co., and denatured for use as animal feed.

26667. Wheat. (F.D.C. No. 44526. S. No. 28-451 R.)

QUANTITY: 27,070 lbs. at Minneapolis, Minn.

SHIPPED: 7-6-60, from Sisseton, S. Dak., by Farmers Cooperative Elevator.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-25-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 660 lbs. denatured for use as animal feed.

26668. Wheat. (F.D.C. No. 44525. S. No. 29-181 R.)

QUANTITY: 37,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-6-60, from Hillsvie, S. Dak., by Hillsvie Elevator, Inc.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-14-60. Consent—claimed by Hillsvie Elevator, Inc., Hillsvie, S. Dak. Segregated; 2,370 lbs. destroyed, and 5,290 lbs. disposed of as animal feed.

26669. Wheat. (F.D.C. No. 44524. S. No. 29-536 R.)

QUANTITY: 120,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-22-60, from Westhope, N. Dak., by Farmers Union Elevator Association.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-19-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 3,430 lbs. denatured for use as animal feed.